

Senate Bill No. 2028

CHAPTER 393

An act to amend Sections 473.1, 473.2, 473.3, 473.5, 7801, 7810, 7815.5, 18602, and 18613 of, and to repeal Sections 473.16 and 473.17 of, the Business and Professions Code, and to repeal Section 1 of Chapter 78 of the Statutes of 1997, relating to professions and vocations.

[Approved by Governor September 8, 2000. Filed
with Secretary of State September 11, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2028, Figueroa. Joint Legislative Sunset Review Committee: geologists and geophysicists: State Athletic Commission.

(1) Existing law creates the Joint Legislative Sunset Review Committee and specifies its duties with respect to the review of various boards and commissions.

This bill would repeal certain provisions governing the committee's review duties and would revise various other provisions relating to the operation of the committee and related reporting dates and requirements for boards and commissions subject to committee review.

(2) The Geologist and Geophysicists Act provides for the licensing and regulation of geologists and geophysicists by the State Board of Registration for Geologists and Geophysicists. The provisions creating the board and authorizing the board to appoint an executive officer will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would instead provide that these provisions would become inoperative on July 1, 2005, and would be repealed on January 1, 2006. This bill would rename the board as the Board for Geologists and Geophysicists.

(3) The Boxing Act provides for the establishment of the State Athletic Commission within the Department of Consumer Affairs and makes the commission responsible for the regulation of boxing, kickboxing, and martial arts contests, matches, and exhibitions. Under existing law, the provisions creating the commission will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would instead provide for these provisions to become inoperative on July 1, 2005, and to be repealed on January 1, 2006.

The people of the State of California do enact as follows:

SECTION 1. Section 473.1 of the Business and Professions Code is amended to read:

473.1. This division shall apply to all of the following:

(a) Every board, as defined in Section 22, that is scheduled to become inoperative and to be repealed on a specified date as provided by the specific act relating to the board.

(b) The Bureau for Postsecondary and Vocational Education. For purposes of this division, “board” includes the bureau.

SEC. 2. Section 473.16 of the Business and Professions Code is repealed.

SEC. 3. Section 473.17 of the Business and Professions Code is repealed.

SEC. 4. Section 473.2 of the Business and Professions Code is amended to read:

473.2. All boards to which this division applies shall, with the assistance of the Department of Consumer Affairs, prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee no later than 22 months before that board shall become inoperative. The analysis and report shall include, at a minimum, all of the following:

(a) A comprehensive statement of the board’s mission, goals, objectives and legal jurisdiction in protecting the health, safety, and welfare of the public.

(b) The board’s enforcement priorities, complaint and enforcement data, budget expenditures with average- and median-costs per case, and case aging data specific to post and preaccusation cases at the Attorney General’s office.

(c) The board’s fund conditions, sources of revenues, and expenditure categories for the last four fiscal years by program component.

(d) The board’s description of its licensing process including the time and costs required to implement and administer its licensing examination, ownership of the license examination, relevancy and validity of the licensing examination, and passage rate and areas of examination.

(e) The board’s initiation of legislative efforts, budget change proposals, and other initiatives it has taken to improve its legislative mandate.

SEC. 5. Section 473.3 of the Business and Professions Code is amended to read:

473.3. (a) Prior to the termination, continuation, or reestablishment of any board or any of the board’s functions, the Joint Legislative Sunset Review Committee shall, during the interim recess preceding the date upon which a board becomes inoperative, hold public hearings to receive testimony from the Director of

Consumer Affairs, the board involved, and the public and regulated industry. In that hearing, each board shall have the burden of demonstrating a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(b) In addition to subdivision (a), in the year 2002 and every four years thereafter, the committee shall hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

SEC. 6. Section 473.5 of the Business and Professions Code is amended to read:

473.5. The Joint Legislative Sunset Review Committee shall report its findings and preliminary recommendations to the department for its review, and, within 90 days of receiving the report, the department shall report its findings and recommendations to the Joint Legislative Sunset Review Committee during the next year of the regular session that follows the hearings described in Section 473.3. The committee shall then meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the department and the committee and whether each board or function scheduled for repeal shall be terminated, continued, or reestablished, and whether its functions should be revised. If the committee or the department deems it advisable, the report may include proposed bills to carry out its recommendations.

SEC. 7. Section 7801 of the Business and Professions Code is amended to read:

7801. "Board," as used in this chapter, means the Board for Geologists and Geophysicists. Any reference in any law or regulation to the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Geologists and Geophysicists.

SEC. 8. Section 7810 of the Business and Professions Code is amended to read:

7810. The Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.



Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint three of the public members and the three members qualified as provided in Section 7811. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occurred on or after January 1, 1983.

At the time the first vacancy is created by the expiration of the term of a public member appointed by the Governor, the board shall be reduced to consist of seven members, four of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist. Notwithstanding any other provision of law, the term of that member shall not be extended for any reason, except as provided in this section.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 9. Section 7815.5 of the Business and Professions Code is amended to read:

7815.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 18602 of the Business and Professions Code is amended to read:

18602. Except as provided in this section, there is in the Department of Consumer Affairs the State Athletic Commission, which consists of eight members. Six members shall be appointed by the Governor, one member shall be appointed by the Senate Rules Committee, and one member shall be appointed by the Speaker of the Assembly.

The members of the commission appointed by the Governor are subject to confirmation by the Senate pursuant to Section 1322 of the Government Code.

No person who is licensed under this chapter as a promoter, manager, or judge may be appointed or reappointed to, or serve on, the commission.

Upon the first expiration of the term of a member appointed by the Governor, the commission shall be reduced to seven members. Notwithstanding any provision of law, the term of that member shall not be extended for any reason.

This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, which becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the commission subject to the review required by Division 1.2 (commencing with Section 473).

SEC. 11. Section 18613 of the Business and Professions Code is amended to read:

18613. The commission shall appoint an executive officer and fix his or her compensation. The executive officer shall carry out the duties prescribed by this chapter and additional duties as may be delegated by the commission. The commission may employ in accordance with Section 154 other personnel as may be necessary for the administration of this chapter.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 12. Section 1 of Chapter 78 of the Statutes of 1997 is repealed.

